

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
APPEAL NO.1322 OF 2003

Jafer Paigambar Patil and
Anr. ..Appellants
Vs.
The State of Maharashtra ..Respondent

...
Mr.Amin H.Solkar Advocate for the Appellants
Mrs.V.R.Bhosale, APP for the State
...

CORAM: R.M.S.KHANDEPARKAR, AND
SMT.V.K.TAHILRAMANI, JJ.
DATE : AUGUST 01, 2007

P.C.:

1. During the course of hearing of the Appeal, as it was found appropriate to peruse the Muddemal Property, enquiry in that regard with the Registry was made. It was informed that Registry had not received Muddemal Property in this case from the Court of IInd Additional Sessions Judge, Solapur. Registry was therefore, asked to communicate telephonically to the Sessions Court at Solapur to forward the Muddemal Property forthwith. Consequent to that intimation, a communication is received from the Court of Additional District and Sessions Court at Pandharpur that Sessions Case No.15 of 2002 was disposed of on 28th August, 2003

and as the relevant register with the said Court did not disclose any notice from this Court calling for the records nor was there any intimation to the said Court about filing of the Appeal in the High Court against the said decision, the Muddemal Property in Sessions Case No.15 of 2002 was destroyed on 31st December, 2005.

2. The records disclose that the necessary intimation relating to the filing of the present Appeal and consequently the Sessions Court being required to forward the Record and Proceedings, was communicated to the Sessions Court, Solapur under necessary intimation dated 19th November, 2003 and it was duly received by the District and Sessions Court Solapur on 29th December, 2003 under Inward No.15049. Apparently, therefore, the contention that the concerned District Court was not informed about the filing of the Appeal nor the Record and Proceeding was called for, as has been stated in the communication dated 30th July, 2007 by the Additional Sessions Court Pandharpur, is not correct rather it is contrary to the records.

3. Records also reveal that Appeal No.1322 of 2003

was filed on 7th November, 2003 and it was admitted on 19th November, 2003. Record and Proceeding were received by this Court on 2nd July, 2005. However, the Muddemal Articles were not forwarded along with Record and Proceedings.

4. In any case, once it was informed to the Sessions Court about filing of the Appeal and the Record and Proceeding was called for, it is not understood how the Sessions Court could have destroyed the Muddemal property in the matter in hand. It is, therefore, necessary to hold the inquiry into the matter and to fix the responsibility for such improper action on the part of the concerned officers. Registrar General accordingly to appoint an Inquiry Officer and on conducting the inquiry, the same be presented to the Honourable the Chief Justice of this Court.

[R.M.S.KHANDEPARKAR, J.]

[SMT.V.K.TAHILRAMANI, J.]